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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,738	01/16/2004	Daryl W. Wray	MS1-1901US	6907

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EXAMINER	
BAHTA, KIDEST	

ART UNIT	PAPER NUMBER
2123	

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06/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/759,738	WRAY ET AL.	
	Examiner	Art Unit	
	KIDEST BAHTA	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/1/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The RCE filed on 6/1/09 has been received and fully considered; claims 1-32 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1, 2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trugman (US 5,887,141) in view of Sun Microsystem (Sun cluster 2.2 System administration Guide).

Regarding claim 1, Trugman discloses that A computer-readable medium having computer-executable instruction that enable remote execution of a command, the

instructions comprising: receiving a command line instruction including a remote command, the remote command identifying a task of execution to be performed on a remote system (column 4, line 60 – column 5, line 15); initiating a session with at least two remote systems (column 5, lines 6-15; column 6, lines 41-44); and causing the remote command to be executed concurrently on each of the at least two remote systems, including issuing the remote command to the environment variable (column 6, lines 19-33).

Trugman fails to disclose that assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable.

Sun Microsystems discloses assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable (page 39-41).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Sun microsystems for use effectively in present computing environments, in which scalability, multi-user capability, wide area and remote geographic networking, and reduced or "thin client" hardware and software is desired.

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Sun Microsystems for use effective in present computing environments, in which

scalability, multi-user capability, wide area and remote geographic networking, and reduced or "thin client" hardware and software is desired.

Regarding claims 2-10, Trugman discloses as follow,

2. The computer-readable medium recited in claim 1 wherein the session comprises a connection between a systems on which the command line instruction is received (Fig. 2).

3. The computer-readable medium recited in claim 1, wherein the session is initiated as a persistent session that is available to perform subsequent remote commands (column 5, lines 36-55).

4. The computer-readable medium recited in claim 3, further comprising receiving a second command line instruction including a second remote command and causing the second remote command to be executed using the persistent session (column 5, lines 27-35).

5. The computer-readable medium recited in claim 1, wherein the remote system comprises a remote agent configured to return information to the local system wherein the information comprises at least one of a result of the execution, meta information, and information about the remote system from which the result originated (Fig. 2, element 116a-e; Fig. 2).

6. The computer-readable medium recited in claim 1, wherein the remote system comprises an alternate process (column 6, lines 19-32; column 7, lines 12-18).

7. The computer-readable medium recited in claim 1, wherein the remote system comprises an alternate application domain located on a local computing system (column 7, lines 12-18; column 5, lines 37-42)).

8. The computer-readable medium recited in claim 1, wherein causing the remote command to be executed comprises delegating the step of causing the remote command to be executed to a controller associated with a subset of the at least two remote systems (column 4, lines 37-51).

9. The computer-readable medium recited in claim 8, wherein each of the at least two remote systems comprises a node in a hierarchical network topology and the controller holds a position in the hierarchy between the subset of the at least two remote systems ad the system receiving the command line instruction (Fig. 1, Fig. 2; Abstract, column 2, lines 51-60).

10. The computer-readable medium recited in claim 1, wherein the remote

command is concurrently executed on each of the at least two remote systems (column6, lines 41-61).

4. Claims 11-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Trugman (US 5,887,141) view of Levin et al. (US 2003/0177187) further in view of Sun Microsystem (Sun cluster 2.2 System administration Guide)

Regarding claims 11-13, Trugman and Sun Microsystem disclose the limitations of claim 1, as stated in Par. 1, but fail to disclose the limitations of claims 11-13. However, Levin discloses aggregating results of executing each remote command (Fig. 7); the results are aggregated into an array (Fig. 9 and 10).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Levin in order to provide increased flexibility in the assignment of large numbers of events to nodes and users to effect remote/mobile communications.

Regarding claims 14, 18, 20 and 21 Trugman discloses that receiving at a local system a first command line that identifies a remote system (column 6, lines 41-44); causing a session to be created between the local system and the remote system, the session including a connection to a remote process resident on the remote system (column 5, lines 6-15; column 4, lines 60-63); issuing a remote command to the environment variable to cause the remote command to be executed in the remote

process (column 6, lines 19-33). In addition, Trugman discloses that a session manager configured to create and maintain sessions between a local system and one or more remote systems (abstract), each session being capable of hosting a plurality of connections between the local system and remote systems (Fig. 1 and 2); issuing a session to be created further comprises distributing the task of launching the connection to a computing device other than the local system (Abstract, column 3, lines 28-41; Fig. 3 and 4, column 2, lines 27-39, Fig. 8).

Trugman fails to disclose storing results of the remote command in an environment variable associated with the session, an aggregator configured to receive results of remote execution of a command, the results being each associated with a remote system, the aggregator being further configured to aggregate the results into an array; and a throttler configured to, upon request, limit a number of active connections within each session.

Levin discloses that storing results of the remote command in an environment variable associated with the session (Fig. 2), an aggregator configured to receive results of remote execution of a command, the results being each associated with a remote system, the aggregator being further configured to aggregate the results into an array (Fig. 7, [0154], [0293], [0531]); and a throttler configured to, upon request, limit a number of active connections within each session ([0367], [0580]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Levin in

order to provide increased flexibility in the assignment of large numbers of events to nodes and users to effect remote/mobile communications.

Trugman and Levin fail to disclose that assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable.

Sun microsystems discloses assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable (page 39-41).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Sun microsystems for use effectively in present computing environments, in which scalability, multi-user capability, wide area and remote geographic networking, and reduced or "thin client" hardware and software is desired.

Regarding claims 16, 17, 19 and 26-32, Trugman discloses,

16. The computer-executable method recited in claim 14, wherein causing the session to be created comprises creating the environment variable and making the variable available to other tasks (column 3, lines 28-41, Fig. 3, 4 and 8).

17. The computer-executable method recited in claim 16, wherein the first

command line further comprises a parameter that identifies the environment variable associated with the session (Fig. 7, column 10, lines 14-40).

19. The computer-executable method recited in claim 14, wherein the command line further identifies credentials for use in creating the session between the local system and the remote system (Fig. 2; column 7, lines 1-18).

26. The computer-readable medium recited in claim 25, wherein the other performance-based mechanisms comprise a Quality Of Service mechanism (column 4, lines 29-57).

27. The computer-readable medium recited in claim 25, wherein the other performance-based mechanisms comprises an agent on a remote system that is configured to regulate an impact on resources on the remote system (column 7, lines 1-18).

28. The computer-readable medium recited in claim 21, further comprising a core engine configured to manage a flow of information among each of the several components (Fig. 5 and 6).

29. The computer-readable medium recited in claim 28, wherein the core engine

is further configured to delegate a task of initiating a session to another system in a hierarchy of remote systems (Abstract and Fig. 2).

30. The computer-readable medium recited in claim 21, wherein the remote system comprises a remote agent configured to return information to the local system wherein the information comprises at least one of a result of the execution, meta information, and information about the remote system from which the result originated (Fig. 2, element 116a-e; Fig. 2, Fig. 4 and 8).

31. The computer-readable medium recited in claim 21, wherein the remote system comprises an alternate process (column 6, lines 19-32; column 7, lines 12-18).

32. The computer-readable medium recited in claim 21, wherein the remote system comprises an alternate application domain (column 7, lines 12-18).

Regarding claims 15 and 22-25, Levin discloses,

15. The computer-executable method recited in claim 14, further comprising issuing a second remote command to the environment variable to cause the second remote command to be concurrently executed in the remote process and

storing results of the second remote command in the environment variable ([206], [209]).

22. The computer-readable medium of claim 21, wherein each of the results in the array is associated with the remote system on which the results originated (Fig. 6).

23. The computer-readable medium of claim 21, wherein the aggregator is further configured to make the results available in a disaggregated fashion (Fig. 45).

24. The computer-readable medium recited in claim 21, wherein the aggregator is further configured to aggregate the results into an environment variable associated with a session created by the session manager (Fig. 7).

25. The computer-readable medium recited in claim 21, wherein the throttler is further configured to interact with interact with other performance-based mechanisms to regulate a performance impact of a remote command execution [580].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-fee).

/Kidest Bahta/

Primary Examiner, Art Unit 2123